

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG - 9 2004

Case No. 5440
Date Filed 8-14-04
Hearing Date _____
Receipt _____
Fee \$450-

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

CASE 5440 MAP 48 TYPE Variance

- ____ Administrative Decision/Interpretation
____ Special Exception
____ Use Variance
____ Change/Extension of Non-Conforming Use
____ Minor Area Variance
____ Area Variance
____ Variance from Requirements of the Code
____ Zoning Map/Drafting Correction

ELECTION DISTRICT 3 LOCATION 1346 Gates Head Drive, Bel Air, Md. 21014

BY David & Deborah Beatty

Appealed because a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition to the existing attached garage within the 10 foot side yard setback (4 foot 3 inches proposed) and if necessary, a modification of Condition #2 in Case #4132 to allow for additional living area in a R2 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name DAVID Beatty Phone Number _____
Address 1346 Gates Head Drive Bel Air, MD 21014
Street Number Street City State Zip Code

Co-Applicant Deborah Beatty Phone Number _____
Address 1346 Gates Head Drive Bel Air MD 21014
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contractor Robert Neubeck, Cont. Phone Number 443-528-2846
Attorney/Representative _____
Address 3717 Berkley Road Darlington, MD 21034
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1346 Gates Head Drive
Bel Air, MD 21014

Subdivision Parliament Ridge Lot Number 27

Acreage/Lot Size 74/76 x 137 avg. Election District 3 Zoning R2

Tax Map No. 48 Grid No. 1E Parcel 436 Water/Sewer: Private _____ Public _____

List ALL structures on property and current use: single family home with attached
single car garage

Estimated time required to present case: 20 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes X No _____

Request

A variance to construct an addition to the rear of an
existing garage with an already approved variance of 12 feet
by 15 feet 7 inches with 300 sq. ft above.

Justification

If the variance is approved, the new structure will be no
closer than the already approved 4 ft 3 inches from the side
property line; and the property line on the other side of the
dwelling is 13 ft. from the dwelling. The property is unique
because it has frontage on Gates Head Dr as well as
Red Pump Road. The property is also narrow with an average
width of 74 ft.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

I do not believe the variance would have an adverse impact on
the neighborhood because other properties in the area have garages
and additions of similar size, without an active NCD in the
vicinity. I am informed of several other neighbors who are in support,
and they signed letters of their approval. (See attached)

BOARD OF APPEALS
REQUEST FOR VARIANCE
7/31/04

PROPERTY OWNERS: DAVID AND DEBORAH BEATTY

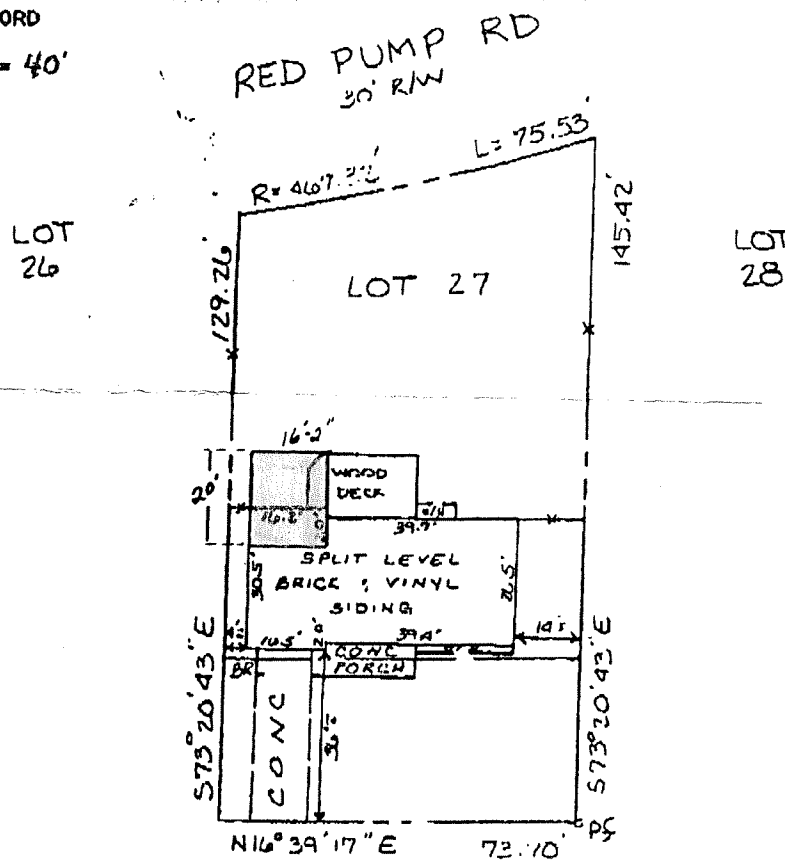
ADDRESS: 1346 GATES HEAD DRIVE BEL AIR, MD 21014

REQUEST: A VARIANCE TO CONSTRUCT AN ADDITION TO THE REAR OF AN EXISTING GARAGE WITH AN ALREADY APPROVED VARIANCE OF 12 FEET BY 15 FEET, 7 INCHES WITH 300 SQUARE FEET ABOVE.

JUSTIFICATION: IF THE VARIANCE IS APPROVED, THE NEW STRUCTURE WILL BE NO CLOSER THAN THE ALREADY APPROVED 4 FT. 3 INCHES FROM THE SIDE PROPERTY LINE; AND THE PROPERTY LINE ON THE OTHER SIDE OF THE DWELLING IS 13 FT. FROM THE DWELLING. THE PROPERTY IS UNIQUE BECAUSE IT HAS FRONTAGE ON GATES HEAD DRIVE AS WELL AS RED PUMP ROAD. THE PROPERTY IS ALSO NARROW WITH AN AVERAGE WIDTH OF 74 FEET.

I DO NOT BELIEVE THE VARIANCE WOULD HAVE AN ADVERSE IMPACT ON THE NEIGHBORHOOD BECAUSE OTHER PROPERTIES IN THE AREA HAVE GARAGES AND ADDITIONS OF SIMILAR SIZE. WITHOUT AN ACTIVE HOA IN OUR COMMUNITY, I INFORMED MY SEVEN CLOSEST NEIGHBORS OF MY INTENTIONS AND THEY SIGNED LETTERS OF THEIR APPROVAL. (SEE ATTACHED).

BH9916-193 1346 GATES HEAD DR BEL AIR HARF 8/23/99 AUGTA Case#99226
 Fema Panel: 240040 0091A
 Flood Zone: C
 LOT 27
 PLAT II SEC II
 PARLIAMENT RIDGE
 Book: 30
 Folio: 99
 Dist: 3
 Co: HARFORD
 MD
 Scale 1" = 40'



GATES HEAD DR
 30' R/W



EMAIL:
 SURVEYASSOCIATES@EROLS.COM

LOCATION
 MORTGAGE
 SURVEY

SURVEY ASSOCIATES OF MARYLAND INC

9418 ANNAPOLIS ROAD
 SUITE #103
 LANHAM MD 20706
 TEL 301 459 3768
 FAX 301 459 4409

7221 BALT/ANNAP BLVD
 SUITE #100
 GLEN BURNIE MD 21061
 TEL 410 768 8802
 FAX 410 768 8808

32 LEE STREET
 P.O. BOX 4399
 ANNAPOLIS MD 21401-0599
 TEL 410 266 7211
 FAX 410 266 0918

BOARD OF APPEALS CASE NO. 4132	*	BEFORE THE
APPLICANT: Marshall W. Rose	*	ZONING HEARING EXAMINER
REQUEST: Side yard setback	*	OF HARFORD COUNTY
variance to construct an attached		
garage; 1346 Gates Head Drive,	*	
Bel Air		Hearing Advertised
HEARING DATE: February 13, 1991	*	Aegis: 1/9/91 & 1/16/91
	*	Record: 1/9/91 & 1/16/91

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant, Marshall W. Rose, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, of the Harford County Code, for an attached garage to be located within the required 10 foot side yard setback and total 30 foot setback for both side yards.

The subject parcel is located at 1346 Gates Head Drive in the Third Election District. The parcel is identified as Parcel No. 436, in Grid 1-E, on Tax Map 48. The parcel contains 0.33 acres, more or less, all of which is zoned R2.

Mr. Marshall W. Rose appeared and testified that he is requesting a variance to construct an attached single-car garage with dimensions of 30 feet by 15 feet 7 inches. The witness said that if the variance is approved, the closest point of the garage will be 4 feet 3 inches from the side property line and the property line on the opposite side of the dwelling is 13 feet from the dwelling. The witness described the subject parcel as being unique because it has frontage on Gates Head Drive, as well as Red Pump Road, and also because the parcel is narrow, with an average width of 74 feet. The witness said he did not feel the variance would have an adverse impact on the neighborhood because other properties in the area have attached garages and also because no neighbors appeared in opposition to the Applicant's request.

CASE NO. 4132 - MARSHALL W. ROSE

The witness said that there are two sheds presently located on the parcel which will be removed after construction of the garage. The witness said that the proposed garage will be aesthetically compatible with the existing dwelling, and the garage will not be used for commercial purposes, additional living space, or storage of contractors' equipment.

No protestants appeared in opposition to the Applicant's request, and the Staff Report recommends denial of the requested variance.

CONCLUSION:

The Applicant is requesting an area variance to construct an attached garage. Table V of Section 267-36(B) requires a minimum 10 foot side yard setback and a total of 30 feet for both side yard setbacks combined. The Applicant is proposing a 4 foot 3 inch side yard setback on the side of the proposed garage, and the side yard setback on the opposite side of the dwelling is 13 feet; therefore, the Applicant is proposing a total side yard setback of 17 feet, 3 inches.

The Applicant testified that he feels the subject parcel is unique because it has frontage on Gates Head Drive and Red Pump Road, thereby requiring the Applicant to comply with two front yard setbacks, which greatly reduces the development envelope on the subject parcel. The witness also testified he feels the subject parcel is unique because the lot has an average width of approximately 74 feet. The witness also testified he did not feel the variance would have an adverse impact on the neighborhood because other properties in the neighborhood have attached garages and, further, that no area residents appeared in opposition to his request.

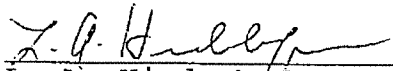
It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated and, further, the variance will not have a detrimental impact on adjacent properties or materially impair the purpose of the Code.

CASE NO. 4132 - MARSHALL W. ROSE

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be granted, subject to the following conditions:

1. That the Applicant obtain all necessary permits and inspections.
2. That the garage shall not be used for additional living area.
3. That the garage shall not be used in the furtherance of a business or for storage of contractors' equipment.

Date MARCH 7, 1991



L. A. Hinderhofer
Zoning Hearing Examiner

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



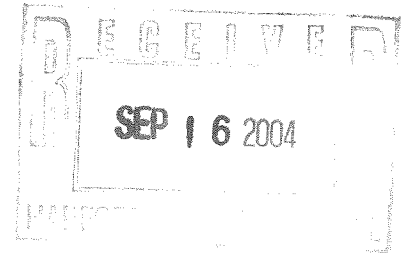
J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 16, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5440

APPLICANT/OWNER: David Beatty
1346 Gates Head Drive, Bel Air, Maryland 21014

Co-APPLICANT: Deborah Beatty
1346 Gates Head Drive, Bel Air, Maryland 21014

REPRESENTATIVE: Robert Neubeck, Contractor
3717 Berkley Road, Darlington, Maryland 21034

LOCATION: 1346 Gates Head Drive – Parliament Ridge
Tax Map: 48 / Grid: 1E / Parcel: 436 / Lot: 27
Election District: Third (3)

ACREAGE: 0.234 of an acre

ZONING: R2/Urban Residential District

DATE FILED: August 4, 2004

HEARING DATE: October 6, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

“A variance to construct an addition to the rear of an existing garage with an already approved variance of 12 feet by 15 feet, 7 inches with 300 sq. ft. above.”

~ Preserving our values, protecting our future ~

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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David & Deborah Beatty

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Justification:

"If the variance is approved, the new structure will be no closer than the already approved 4 ft. 3 inches from the side property line; and the property line on the other side of the dwelling is 13 ft. from the dwelling. The property is unique because it has frontage on Gates Head Dr. as well as Red Pump Road. The property is also narrow with an average width of 74 ft. I do not believe the variance would have an adverse impact on the neighborhood because other properties in the area have garages and additions of similar size. Without an active HOA in our community, I informed my seven closest neighbors of my intentions and they signed letters of their approval. (See attached)" (Attachment 1).

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition to the existing attached garage within the 10 foot side yard setback (4 foot, 3 inches proposed) and if necessary a modification of Condition #2 in Case 4132 to allow for additional living area in an R2 District.

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 2).

Enclosed with the report is a copy of Board of Appeals Decision 4132 (Attachment 3).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located north of Vale Road in the development of Parliament Ridge. The Applicants' lot is a double frontage lot with road frontage on the west side of Gates Head Drive and the east side of Red Pump Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 4 and 5).

The Applicants' property is located within the Development Envelope. The predominant land use designations in the area include Low, Medium and High Intensities. The Natural Features map reflects stream systems. The subject property is located in the Medium Intensity designation, which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

STAFF REPORT

Board of Appeals Case Number 5440

David & Deborah Beatty

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Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential uses include single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses are mainly located to the east along Rock Spring Road (Route 24). Other land uses include schools, churches, a cemetery and parks. Enclosed with the report is a copy of the aerial photograph (Attachment 8).

The Applicants' property is located in the single-family residential development of Parliament Ridge. The lot is a double frontage lot, approximately 0.234 of an acre in size as shown on the enclosed copy of the record plat (Attachment 9). The lot has frontage and access from Gates Head Drive and backs up to Red Pump Road. The topography of the lot ranges from gently sloping to level except next to Red Pump Road where there will be a 3 to 4 foot elevation difference due to the new road construction. Improvements consist of a brick and frame single-family dwelling with an attached one-car garage, a deck attached to rear of the dwelling, a shed on the right rear corner of the lot and a 6 foot solid board privacy fence around the rear yard. The lot is nicely landscaped with mature trees and shrubbery and all improvements appear to well maintained. Enclosed with the report is a copy of the topography map, an enlargement of the aerial photograph and site photographs (Attachments 10, 11 and 12).

Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned R2/Urban Residential District. A copy of the Zoning Map is enclosed with the report (Attachment 13).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition to the existing attached garage within the 10 foot side yard setback (4 foot, 3 inches proposed) and if necessary a modification of Condition #2 in Case 4132 to allow for additional living area in an R2 District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants are proposing to construct an addition to the rear of the existing garage approximately 20 feet in size, with approximately 300 square feet on the second floor

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David & Deborah Beatty

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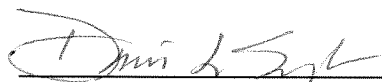
(Attachment 14). The previous owners went to the Board for the existing garage, which was approved in March 1991 reducing the required 10 foot minimum setback to 4 feet, 3 inches. The present owners propose to extend their addition out from the rear of the garage with a second floor that will come no closer to the side property line than the existing 4 feet, 3 inches. It will extend out approximately the same distance as the existing deck (as shown on the Applicants' site plan).

The addition should have no adverse impact on the adjacent property or surrounding neighborhood. The Applicants' dwelling is one of the smaller dwellings in the neighborhood and the addition will be compatible with the other dwellings in the area. The request will not further reduce the setback established by the Board of Appeals in Case 4132.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the addition.
2. The existing garage and proposed addition shall not be used in the furtherance of a business.
3. The addition shall not come any closer to the side property line than the existing garage.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka